

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TRANSCONTINENTAL GAS PIPE LINE
COMPANY, LLC
2800 POST OAK BOULEVARD
HOUSTON, TEXAS 77251-1396,

Plaintiff,

v.

PERMANENT EASEMENTS FOR
2.14 ACRES AND TEMPORARY
EASEMENTS FOR 3.59 ACRES IN
CONESTOGA TOWNSHIP, LANCASTER
COUNTY, PENNSYLVANIA, TAX
PARCEL NUMBER 1201606900000,
415 HILLTOP DRIVE, CONESTOGA,
CONESTOGA TOWNSHIP, LANCASTER
COUNTY, PA

HILLTOP HOLLOW LIMITED
PARTNERSHIP
203 SIDEHILL TERRACE
WILLOW STREET, PA 17584

HILLTOP HOLLOW PARTNERSHIP, LLC
GENERAL PARTNER OF HILLTOP
HOLLOW LIMITED PARTNERSHIP
203 SIDEHILL TERRACE
WILLOW STREET, PA 17584

LANCASTER FARMLAND TRUST
125 LANCASTER AVENUE
STRASBURG, PA 17579

AND ALL UNKNOWN OWNERS,

Defendants.

CIVIL ACTION – LAW

Docket No. 5:17-CV-00715

ORDER

AND NOW, this 25th day of August, 2017, upon consideration of Plaintiff's Omnibus

Motion for Preliminary Injunction for Possession of Rights of Way by August 18, 2017 Pursuant

to the Natural Gas Act and Federal Rules of Civil Procedure 71.1 and 65, and the accompanying documents, Defendants' opposition thereto, and Plaintiff's Reply, and after a hearing and oral argument being held, it is hereby **ORDERED** that the Motion is **GRANTED**. It is further **ORDERED** as follows:

(1) Transcontinental Gas Pipe Line Company, LLC ("Transco") has the substantive right to condemn the following easements and rights of way (collectively referred to as the "Rights of Way"):

- a. Permanent rights of way and easements of 2.14 acres, as described as "Area of Proposed CPLS R/W #1," "Area of Proposed CPLS R/W #2," and "Area of Proposed CPLS R/W #3" in Exhibit A attached hereto, for the purpose of constructing, operating, maintaining, altering, repairing, changing but not increasing the size of, replacing and removing a pipeline and all related equipment and appurtenances thereto (including but not limited to meters, fittings, tie-overs, valves, cathodic protection equipment, and launchers and receivers) for the transportation of natural gas, or its byproducts, and other substances as approved by the Order of the Federal Energy Regulatory Commission dated February 3, 2017, Docket No. CP15-138-000, 158 FERC ¶ 61,125 (2017), together with the right to construct, maintain, operate, repair, alter, replace and remove cathodic protection equipment and the necessary appurtenances thereto, such as but not limited to poles, guy wires, anchors, rectifiers, power lines, cables, deep well anode and anode ground beds under, upon, and over the permanent right of way and easement, and conducting all other activities as approved by the Order of the Federal Energy Regulatory Commission dated February 3, 2017, Docket No. CP15-138-000, 158 FERC ¶ 61,125 (2017); together with all rights and benefits necessary or convenient for the full enjoyment or use of the right of way and easement. Further, the landowner shall not build any permanent structures on said permanent right of way or any part thereof, will not change the grade of said permanent right of way, or any part thereof, will not plant trees on said permanent right of way, or any part thereof, or use said permanent right of way or any part thereof for a road, or use said permanent right of way or any part thereof in such a way as to interfere with Transco's immediate and unimpeded access to said permanent right of way, or otherwise interfere with Transco's lawful exercise of any of the rights herein granted without first having obtained Transco's approval in writing; and the landowner will not permit others to do any of said acts without first having obtained Transco's approval in writing. Transco shall have the right from time to time at no additional cost to landowners to cut and remove all trees

including trees considered as a growing crop, all undergrowth and any other obstructions that may injure, endanger or interfere with the construction and use of said pipeline and all related equipment and appurtenances thereto; and

- b. Temporary easements of 3.59 acres, as described as “Area of Proposed Temporary Work Space #1,” “Area of Proposed Temporary Work Space #2,” “Area of Proposed Temporary Work Space #3,” “Area of Proposed Temporary Work Space #4,” “Area of Proposed Temporary Work Space #5,” and “Area of Proposed Temporary Work Space #6” in Exhibit A attached hereto, for use during the pipeline construction and restoration period only for the purpose of ingress, egress and regress and to enter upon, clear off and use for construction and all other activities approved by the Order of the Federal Energy Regulatory Commission dated February 3, 2017, Docket No. CP15-138-000, 158 FERC ¶ 61,125 (2017).

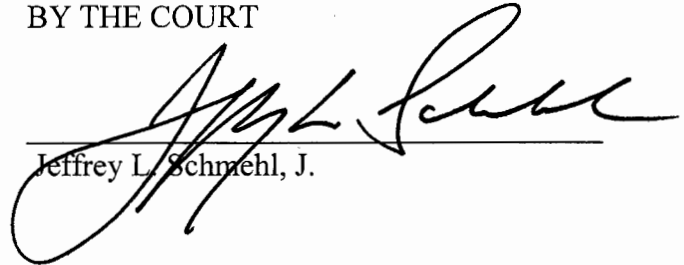
(2) Upon filing the bond required below, beginning August 18, 2017, Transco is granted access to, possession of and entry to the Rights of Way for all purposes allowed under the Order of the Federal Energy Regulatory Commission dated February 3, 2017, Docket No. CP15-138-000, 158 FERC ¶ 61,125 (2017);

(3) In the event of a violation of this Order by Defendants, such as interference with Transco’s possession of the Rights of Way by Defendants or by third parties who are authorized by Defendants to be on the Property, the U. S. Marshal Service, or a law enforcement agency it designates, shall be authorized to investigate and to arrest, confine in prison and/or bring before the Court any persons found to be in violation of this Order and in contempt of this Order, pending his/her compliance with the Court’s Order.

(4) Transco shall post a bond in the amount of \$70,710.00 as security for the payment of just compensation to Defendants.

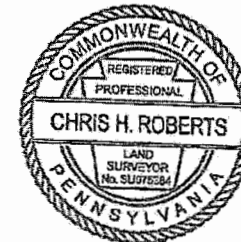
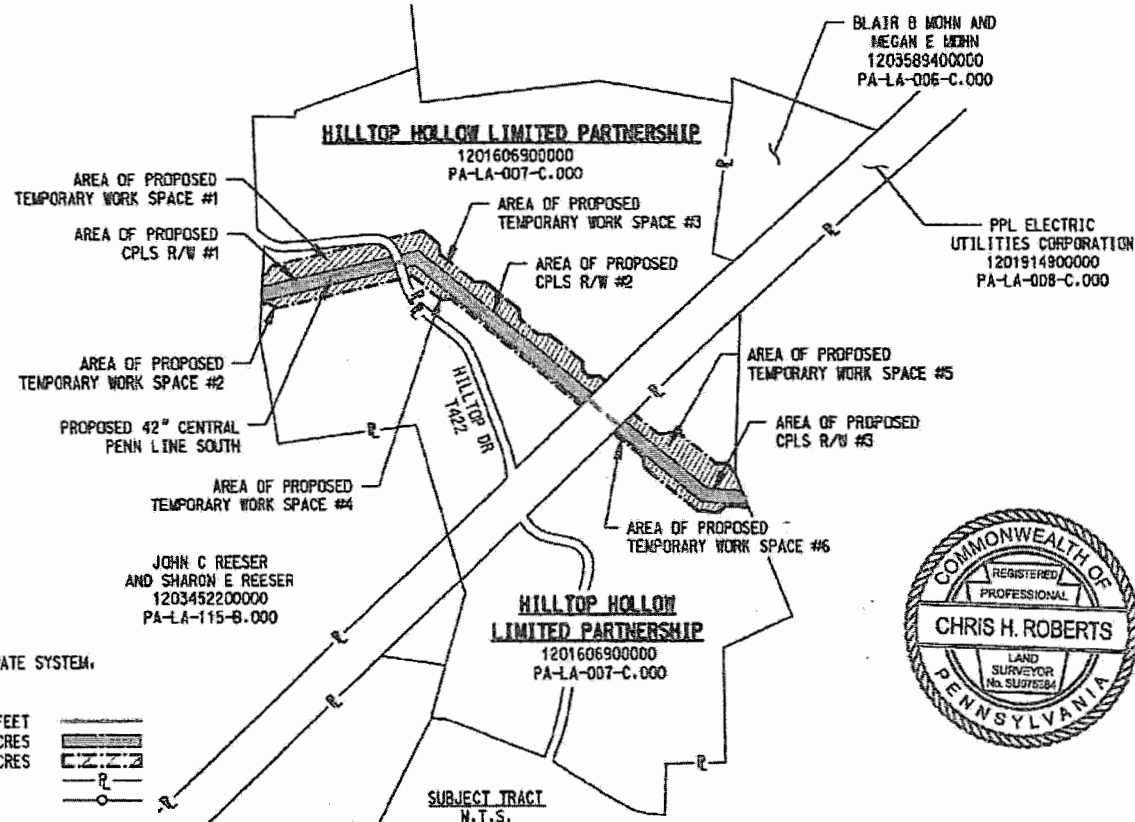
(5) Transco shall record this Order in the Office of the Recorder of Deeds for Lancaster County, Pennsylvania.

BY THE COURT

A handwritten signature in black ink, appearing to read "J. L. Schmehl", is written over a horizontal line. The signature is fluid and cursive.

Jeffrey L. Schmehl, J.

EXHIBIT A



NOTES:

1. BEARINGS SHOWN ARE BASED ON THE PENNSYLVANIA STATE PLANE COORDINATE SYSTEM, NAD83, SOUTH ZONE, US FOOT.
2. LENGTH OF PIPELINE FOR PROPOSED RIGHT OF WAY. 1862.81 FEET
 AREA OF PROPOSED CPLS R/W 2.14 ACRES
 AREA OF PROPOSED TEMPORARY WORK SPACE 3.59 ACRES
 PROPERTY LINE
 POINT OF INTERSECTION
3. ROADS

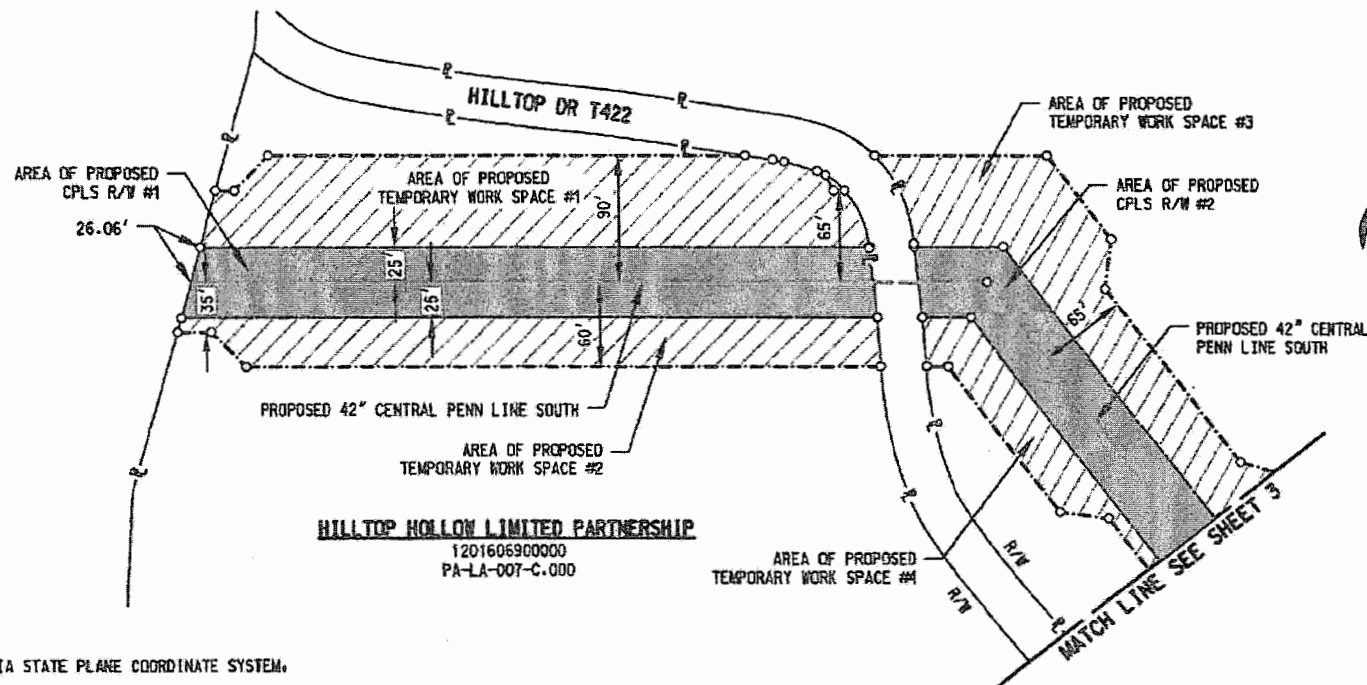
WE HAVE NOT DETERMINED THE FEE OWNERSHIP OF THE ROADS SHOWN, AND FOR THE PURPOSES OF THIS EXHIBIT HAVE ASSUMED THAT ADJOINING LANDOWNERS RETAIN AN INTEREST IN THE PROPERTY SUBJECT TO THE RIGHT OF WAY OF ALL ROADS SHOWN OTHER THAN INTERSTATE HIGHWAYS.

THE INFORMATION SHOWN ON THIS DRAWING IS FROM ASSESSOR'S MAPS AND FOR THE SOLE PURPOSE OF CREATING A RIGHT OF WAY ACQUISITION EXHIBIT AND REPRESENTS CONDITIONS AS THEY EXIST AT THE COUNTY CLERK'S RECORDS OFFICE. PROPERTY BOUNDARIES SHOWN ARE BASED ON COUNTY ASSESSOR'S MAPS OR FIELD SURVEYS PERFORMED BY TRANSCONTINENTAL GAS PIPE LINE COMPANY LLC ON ADJACENT TRACTS. NO CIVIL SURVEY OF THE EASEMENT AREA HAS BEEN PERFORMED. THE ACREAGES SHOWN ARE APPROXIMATE.

DRAWING NO.		REFERENCE TITLE		TRANSCONTINENTAL GAS PIPE LINE COMPANY LLC PROPOSED 42" CENTRAL PENN LINE SOUTH, AREA OF PROPOSED RIGHT OF WAY AND AREA OF PROPOSED TEMPORARY WORK SPACE CROSSING THE PROPERTY OF HILLTOP HOLLOW LIMITED PARTNERSHIP CONESTOGA TOWNSHIP, LANCASTER COUNTY, STATE OF PENNSYLVANIA										
NO.	DATE	BY	REVISION DESCRIPTION	NO.	QTY	APP.	DRAWN BY:	MP	DATE:	06/09/16	ISSUED FOR:	SCALE:	N.T.S.	
0	12/05/16	MP	ISSUED FOR R.O.W.	1161503	CJW	MJH	CHECKED BY:	JJB	DATE:	11/11/16	ISSUED FOR CONSTRUCTION:	REVISION:	1	
1	12/29/16	STC	REISSUED FOR R.O.W.	1161503	SGH	MJH	APPROVED BY:	MJH	DATE:	11/11/16	DRAWING NUMBER:	24-1600-70-77-A/PA-LA-007-C.000	SHEET	1
				NO.		1161503	PA-LA-007-C.000.FOLLOW		12/11/2016		OF			



FERC 5



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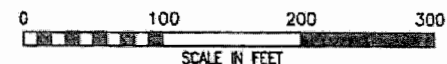
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CH. H. Roberts
 PENNSYLVANIA LICENSE NO. SU075384
 CHRIS H. ROBERTS
 HAYES, JAMES & ASSOCIATES, INC.
 4145 SHACKLEFORD ROAD, SUITE 300
 NORCROSS, GA 30093

DATE: 1-3-17



FERC 5

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NO.	DATE	BY	REVISION DESCRIPTION		
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1	12/29/16	STC	REISSUED FOR R.O.W.		
DRAWN BY: MP		DATE: 06/09/16		ISSUED FOR BID:	SCALE: 1" = 100'
CHECKED BY: JJB		DATE: 11/11/16		ISSUED FOR CONSTRUCTION:	REVISION: 1
APPROVED BY: MJH		DATE: 11/11/16		DRAWING NUMBER: 24-1600-70-77-A/PA-LA-007-C-000	
NO. 1161503		PA-LA-007-C-000/HOLLOW		SHEET 2 OF 3	

HILLTOP HOLLOW LIMITED PARTNERSHIP

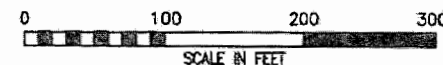
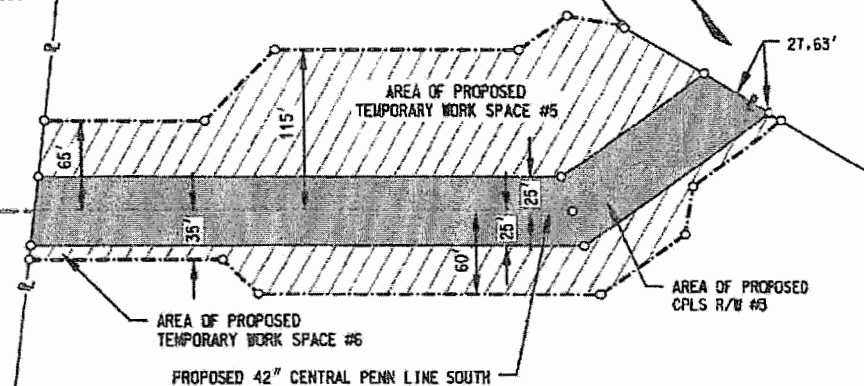
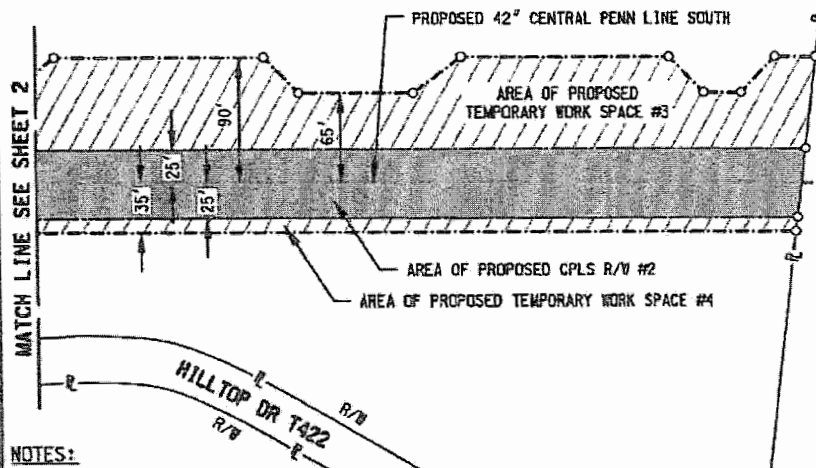
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PPL ELECTRIC
UTILITIES CORPORATION
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HILLTOP HOLLOW LIMITED PARTNERSHIP

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PA-LA-007-C.000

BLAIR B MOHN AND
MEGAN E MOHN
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PA-LA-006-C.000



FERC 5

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NO. 1161503		PA-LA-007-C.000 HILLTOP		11/21/2016		OF 3	